

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RAMON BOYCE,

Petitioner,

: Case No. 3:21-cv-216

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

TIM SHOOP, Warden,
Chillicothe Correctional Institution,

:

Respondent.

**DECISION AND ORDER ON MOTION TO AMEND THE
JUDGMENT**

This habeas corpus case, brought *pro se* by Petitioner Ramon Boyce under 28 U.S.C. § 2254, is before the Court on Petitioner’s Objections (“Objections,” ECF No. 105) to the Magistrate Judge’s Report and Recommendations (“Report,” ECF No. 102) recommending denial of Petitioner’s Motion to Alter or Amend the Judgment under Fed.R.Civ.P. 59(e) (“Motion,” ECF No. 101). As required by Fed.R.Civ.P. 72(b)(3) and 28 U.S.C. § 636(b)(1), the Court has reviewed the Report *de novo* with particular attention to the portions objected to by Petitioner.

On September 27, 2023, the Court adopted the Magistrate Judge’s then-pending Reports and Recommendations and ordered the entry of judgment dismissing the Petition with prejudice (ECF No. 99). Instead of appealing, Petitioner filed his Motion to Alter or Amend the Judgment under Fed.R.Civ.P. 59(e). Pursuant to the General Order of Reference, the Magistrate Judge then filed the Report to which Petitioner now objects.

Having reviewed the Motion and the Report, the Court concludes the Motion is without merit because it does not show that the judgment is based on a manifest error of law or that failure to amend the judgment will result in a manifest injustice to the Petitioner.

The basic structure of Petitioner's argument is that the Court has failed to "consider" his underlying claims and his citations of law as to those claims and has failed to "resolve" many arguments he has made. On the contrary, every ground for relief pleaded in the Petition has been considered and rejected. To the extent Petitioner has made arguments about the correct interpretation or applicability of certain precedent, neither the Magistrate Judge nor the Court has discussed each of them, but there is no requirement of federal law that the Court do so. The Court is unaware of any applicable precedent that has not been discussed and applied in good faith, whether or not Petitioner believes further analysis and explanation is necessary.

Accordingly, the Magistrate Judge's Report is ADOPTED and Petitioner's Motion to Alter or Amend the Judgment is DENIED. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and that the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

November 27, 2023

s/ Thomas M. Rose

Thomas M. Rose
United States District Judge